United Nations S/2016/933

Security Council

Distr.: General
7 December 2016

Original: English

Note verbale dated 4 November 2016 from the Permanent Mission of South Sudan to the United Nations addressed to the President of the Security Council

The Permanent Mission of the Republic of South Sudan to the United Nations presents its compliments to the President of the Security Council and has the honour to forward the official report of the Investigation Committee on the Terrain Hotel incident of 11 July 2016 (see annex).

The Permanent Mission of the Republic of South Sudan kindly seeks your assistance in having the present note verbale and its annex circulated among the members of the Security Council as a document of the Council.

16-21683 (E) 291216

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Annex to the note verbale dated 4 November 2016 from the Permanent Mission of South Sudan to the United Nations addressed to the President of the Security Council

Official report of the Investigation Committee on the Terrain Hotel incident of 11 July 2016

Foreword

The nature of offences committed at Terrain Hotel against foreign aid workers and other foreign and local residents on 11 July 2016 are a reminder of the terrible consequences of the July fighting. What occurred at Terrain, particularly to the victims of rape, was inexcusable and deserves condemnation. I personally would not have been able to understand the feelings and distress caused to these victims if it were not for my appointment to lead this investigation. Through this investigation I and my colleagues were made to understand the physical and mental pain caused to the victims of this unfortunate incident. The Committee was also aware of the untold suffering caused to other victims of the fighting that occurred from 8 to 11 July 2016. While investigating these serious allegations, the Committee was mindful of its mandate to establish the facts of what took place at Terrain in the afternoon and evening hours of 11 July 2016. The Committee was able to gather enough information regarding the incident, and this enabled it to determine the circumstances and the nature of the offences committed at Terrain by the perpetrators. The Committee's work was facilitated by the commitment of His Excellency General Salva Kiir Mayardit, President of the Republic, who personally directed the Committee to ensure that the investigation was comprehensive, transparent and independent. The President was also throughout clear that the perpetrators of the Terrain incident must take responsibility for their individual and collective acts. The Committee also had challenges associated with the investigation. One of the challenges that confronted the investigation was how to obtain statements from foreigners who were witnesses or victims of the Terrain incident. Many of the foreigners who were victims of the incident had either departed the country, were not traceable or were not willing to speak to the Committee. It was a painstaking exercise for my investigators to trace the victims of rape, given their reluctance to testify because of the confidentiality and stigma associated with the victims of these kind of offences. Having concluded this investigation, it is the Committee's hope that this report would provide most if not all of the answers pertaining to the Terrain incident. We are, however, mindful that this report is not an end in itself, but a good reference for pursuing further criminal investigation and prosecution against suspects. It is our strong conviction that the findings and recommendations contained in this report would lead to accountability by those linked to the Terrain incident. There is no doubt that the victims of the Terrain incident would only find consolation or comfort if those who perpetrated these terrible crimes were held to account. It was a great honour for me and other members of my Committee to undertake this noble and challenging task. This Committee has tried its level best within the limited period and resources to determine the facts pertaining to the Terrain incident. It is my hope that the findings and recommendations contained in this report would be given the attention they deserve by the leadership and all the relevant institutions.

Acknowledgements

This investigation would have not been possible without the contribution of so many people and institutions. The success of this investigation is attributed to the professionalism, patience and commitment of the members of the Investigation Committee. We applaud the leadership provided by the Chairperson of this Investigation Committee and for his tireless efforts in putting together this report and producing it in a professional format. We commend the Terrain management, in particular Ms. Ann Cavell, for their cooperation throughout the course of this investigation and for providing valuable information regarding the incident. The team of investigators, under the leadership of Dr. Samson Taban, Senior Legal Counsel in the Ministry of Justice, deserves appreciation for recording statements from witnesses, victims and suspects. The witnesses and victims who appeared before the investigation or e-mailed their witness statements must be applauded for providing enough information to enable this Committee reach sound conclusions and findings. Our gratitude goes to the Sudan People's Liberation Army (SPLA) Tiger Command, in particular Colonel Matur Dhuruai and Major General Marial Chanoung, for facilitating the appearance of suspects. We also express gratitude to the SPLA Military Intelligence, national security and police for their cooperation with the Investigation Committee. Our thanks go to the Office of the President for financing this investigation. Above all, the victims of the Terrain incident must be commended for their patience during the course of this investigation.

(*Signed*) James **Biel Ruot**
Lieutenant General
Deputy Chairperson of the Investigation Committee

Executive summary

(1) On 11 July 2016, a dozen of armed men, numbering between 50 and 100 broke into Terrain Hotel, where they reportedly committed acts of murder, rape, destruction and looting of property, including other unlawful acts. The number persons at Terrain at the time of the incident were about 30 foreign aid workers and other 45 civilians, most of whom were employees of Terrain. The incident occurred at around 3.30 p.m. and continued for almost five hours before the residents got rescued by government forces and a private security company.

(2) Terrain Hotel is located on Juba-Yei road, less than a kilometre from the United Nations Mission in South Sudan (UNMISS) main compound at Jebel. The compound contains a number of semi-permanent structures built inside a small forest opposite the Juba-Yei road. The area was the scene of heavy fighting between government soldiers and forces aligned with former First Vice-President Dr. Riek Machar on 10 and 11 July 2016.

(3) During the investigation, the Committee interviewed over 60 witnesses, victims and suspects of the Terrain incident and has obtained valuable information that has enabled it to reach its findings and conclusions.

(4) On the allegation of murder, the Committee found sufficient evidence to conclude that John Gatluak, a South Sudanese journalist who was working for an international non-governmental organization called Internews, was killed at the Terrain Hotel compound on 11 July 2016. The Committee was shown the spot where he was killed. The Committee also received credible and consistent evidence from witnesses who described the manner of his killing.

(5) The Committee found sufficient evidence to conclude that rapes took place against the aid workers and other women residing at Terrain Hotel. Witness statements on this matter have been consistent enough to enable the Committee make this finding.

(6) The Committee received sufficient evidence in regard to the stealing of vehicles and looting of property and goods at Terrain. The Committee's visit to Terrain Hotel compound enabled it to obtain first-hand information regarding the extent of property damage and looting that took place at the Hotel. Some of the vehicles stolen or robbed from the hotel have been apprehended, and most of them returned to the management of Terrain. Those caught with the vehicles have been arrested and are awaiting trial.

(7) The Committee, during its visit to Terrain, found that not a single structure on the compound was left untouched. All 96 rooms seen by the Committee were damaged, some of them beyond repair, while others need significant investment to return them to working order. Alongside the looting, widespread vandalism was observed. The Committee found during its visit to Terrain that dining facilities, beds, desks, wardrobes, ovens, fridges, televisions etc., were all either stolen or looted. Terrain also lost construction materials ranging from electrical cables to vehicle spare parts.

(8) Although the Committee was not able to establish any specific case in relation to torture, it found that acts of bodily injury, harassment and intimidation did take place.

(9) The Investigation Committee has secured the recovery of 13 vehicles stolen from Terrain and the detention of suspects implicated in the theft. There are ongoing efforts by the relevant authorities to recover the other vehicles still at large.

(10) The Committee has made progress in identifying persons implicated in the rape of the aid workers. Some of the suspects have been apprehended and detained. In order not to prejudice future legal proceedings and in the interest of justice and fairness, the names of the suspects would be kept confidential.

(11) The report, which comprises over 140 pages, has been produced in two parts. A summary report containing over 40 pages would be made public, while the other part, of 90 pages containing witness statements, would be kept confidential. However, the entire report would be made available to the Special Court, prosecutors and legal representatives.

(12) The Committee has made recommendations including the formation of a Special Court to try suspects who committed offences at Terrain during the July 2016 incident. The Special Court would be assisted by a team of prosecutors to undertake criminal investigations and prosecutions.

Part one
Introduction

1.1 Background to the investigation

(1) On 8 July 2016, fighting erupted at J1[1] between SPLA (Government) soldiers and forces aligned to former First Vice-President Dr. Riek Machar Teny. At the time of fighting the President, First Vice-President and Vice-President were discussing issues pertaining to the implementation of the Agreement on the Resolution of the Conflict in the Republic of South Sudan.

(2) In the morning of 10 July 2016, Riek's forces reportedly advanced from their base in Jebel on Yei Juba road towards Juba city, and heavy fighting took place between the two forces. The fighting continued with intensity from 10 to 11 July 2016, when Riek's forces were defeated.

(3) On 11 July 2016, a group of armed men reportedly broke into Terrain Services Ltd. compound, on Yei road, where they reportedly committed various offences, including murder, rape, destruction of property, looting of property, equipment and goods.

(4) According to Terrain Services Ltd. management, there were over 30 foreign aid workers residing at the compound at the time of the incident. There were also 45 other foreign and local workers employed by Terrain Services Ltd. who were at Terrain during the incident.

(5) Immediately after the incident, the Director of SPLA Military Intelligence appointed a team of military officers to investigate the alleged offences and to trace and apprehend those implicated in the incident. The Military Committee was directed to recover any property stolen or looted from Terrain and arrest anyone implicated in the Terrain incident.

(6) On 16 August 2016, His Excellency General Salva Kiir Mayardit, President of the Republic, appointed a committee via Republican Order No. 20/2016 to investigate alleged offences of murder, rape and property looting committed at Terrain Services Ltd. on 11 July 2016. The committee was appointed in accordance with section 5(1) of the Investigation Committees Act of 2006.

(7) On being informed of the appointment, the Committee immediately held its first meeting on 17 August 2016, in which it prepared its budget and agreed on the working methodology to guide its investigation.

(8) The Committee co-opted additional members and support personnel to assist in taking minutes of meetings, conducting interviews and performing other tasks relevant to the investigation.

(9) The Committee began by conducting its investigation in secrecy, and only made itself public in a press conference held on 1 September 2016. This was to prevent anyone who might have been suspected of involvement in the incident from absconding, destroying evidence or hiding property looted.

[1] J1 is the name of the State House of the Republic of South Sudan

1.2 Mandate and composition of the Committee

(1) In the mandate of the Committee, as stipulated under Republican Order No. 20/2016 dated 16 July 2016, was to investigate into the incidences of alleged murder, rape and property looting at Terrain hotel compound on Yei road, on 11 July 2016.

(2) The Investigation Committee was composed of six (6) members, as hereunder:

Name	*Position*	*Designation in Committee*
1. Honourable Martinson Mathew Oturomoi	National Deputy Minister of Justice and Constitutional Affairs	Chairperson
2. Lieutenant General James Biel Ruot	Deputy Inspector General of Police	Deputy Chairperson
3. Major General Bor Wutchok Bor	Director of Political Affairs (Internal Security Bureau — National Security Service)	Member
4. Major General Kulang Mayen Kulang	Deputy Director of Military Intelligence	Member
5. Ambassador John Andruga Duku	Ambassador in the Ministry of Foreign Affairs and International Cooperation	Secretary
6. Colonel Matur Dharuai Yor	Sudan People's Liberation Army	Member

(3) In accordance with the Republican Order which gives the Committee the power to co-opt additional members, the Committee appointed nine investigators from the Ministry of Justice, Military Intelligence, National Security Service and Criminal Investigation Department (CID) to assist the Committee in assembling evidence including by interviewing witnesses and victims and interrogating suspects of the Terrain Hotel incident.

1.3 Terms of reference of the Committee

(1) The terms of reference of the Committee, as stipulated in Republican Order No. 20/2016, are as follows:

(a) To investigate the alleged incidences of murder, rape and looting of civilian property within Terrain Hotel compound;

(b) To come up with recommendations to prevent the occurrences of such incidences from recurring in the future.

1.4 Powers of the Committee

The powers of the Committee as provided under section 12 of the Investigation Committees Act of 2006, are as follows:

(a) Conduct hearings;

(b) Interview witnesses who may have relevant information regarding the investigation;

(c) Issue summons to any person to appear before it, if the Investigation Committee deems that there is reasonable cause for summoning such a person to give evidence under oath;

(d) Require the production of any document from anywhere;

(e) Issue warrants of arrest for any person who refuses to appear before the Investigation Committee without a valid reason, provided that all powers set forth above are exercised in good faith with the belief that they are necessary to the investigation.

1.5 Methodology and process of the investigation

(a) The Committee used different methods and strategies to establish facts pertaining to the Terrain incident of 11 July 2016, including obtaining documentary evidence, interviewing witnesses and victims of the attack, conducting a visit to the scene of the incident, examining video recording and photographic evidence and exhibits.

(b) The overall management and supervision of the investigative process was key to the success of this investigation. The success of any investigation is dependent on the context and circumstances of the crime.

(c) The Committee was keen to design and follow an investigation process that would lead to the identification of witnesses, victims and perpetrators. In identifying the perpetrators of the Terrain incident, the Committee was keen to consider the following methods of gathering evidence:

- Obtaining written statements from witnesses, victims and suspects
- Presence of suspect description provided by witnesses and victims
- Identification of suspect by witness or victim (parade, video, photo, etc.)
- Useful lead from vehicle or property recovered from suspects
- Suspect name provided by witness and victim
- If suspect is known to either victim or witness
- Presence of physical evidence
- Confession by suspect
- Availability of DNA or forensic evidence of victim or suspect

(d) The Committee placed high priority on designing an investigation process that would ensure that all of the suspects are identified and arrested. Taking statements from witnesses, victims and suspects was key to determining the nature and circumstances of offences perpetrated at Terrain Hotel.

(e) Whether the outcome of this investigation would achieve its objective was dependent on the information obtained during the investigation. The quality of information obtained during the investigation, and how this was recorded, were likely to be extremely important in both identifying the perpetrators and ensuring their accountability.

1.6 Facts to be established by the Committee

(1) Based on the terms of reference provided by Republican Order No. 20/2016, the Committee intended to establish facts pertaining to alleged offences of murder, rape and the looting of property of civilians at Terrain Hotel compound on 11 July 2016.

(2) The facts to be established by the Committee were as follows:

(a) What actually occurred at Terrain Compound on 11 July 2016 and subsequent days, and what offences were committed by the perpetrators?

(b) Establish the validity of allegations pertaining to the murder of a South Sudanese journalist, the rape of five foreign aid workers, the shooting of one person in the leg, the beating of residents and the looting of property at Terrain compound.

(c) Determine the identity of the people who broke into Terrain Hotel compound on 11 July 2016 and committed the offences of murder, rape, torture and the looting of property and goods.

(d) Establish the reasons as to why foreign aid workers were left to continue residing at Terrain compound despite the fact that the area was the scene of heavy fighting between government forces and forces allied to former First Vice-President Dr. Riek Machar between 10 and 11 July 2016.

(e) Find out which appropriate measures, if any, were taken to rescue the aid workers and to determine whether there were any shortcomings from Government forces in responding to the pleas of the Terrain residents.

(f) Establish any other facts relevant to the issues under investigation.

1.7 Investigation proceedings

(1) The Committee commenced its investigation on 18 July 2016; two days after its appointment. This was because the Committee had to make financial and administrative arrangements for the smooth conduct of its investigation.

(2) The Committee developed its working methods and agreed on time frames to guide its investigation, including by determining relevant facts and information needed to be established by the Committee.

(3) The Committee started by gathering relevant documentation and identifying potential victims, witnesses and suspects that needed to be interviewed. The

Committee evaluated the incident report prepared by the management of Terrain, which contained specific allegations of murder, rape, property theft and looting.

(4) The Committee conducted preliminary investigations into the Terrain incident including scene assessment. The main purpose of undertaking the preliminary investigations were as follows:

- Attempting to know what had happened;
- Establishing who had committed the alleged offences and whether there would be a chance to apprehend the perpetrators;
- If the offender had not been identified or caught, identifying information that could lead to his/her identification.

(5) The Committee received oral statements from the Management of Terrain, witnesses, victims and suspects on allegations of murder, rape, property looting and criminal damage committed at Terrain compound on 11 July 2016.

(6) The Committee recorded statements from SPLA soldiers, national security officers and other key witnesses of the incident. The Committee also interrogated suspects implicated in stealing vehicles from Terrain, some of which have been placed under custody.

(7) The Committee examined photographic evidence of the scene of the attack and took photos of exhibits from the compound it considered relevant to the investigation. The Committee visited Terrain compound and inspected the buildings to acquire first-hand information.

(8) The Committee received from Terrain management a comprehensive list of vehicles, property and goods looted from Terrain compound during the incident. About 13 vehicles have been recovered and returned to the rightful owners.

(9) The Committee reviewed media reports pertaining to Terrain incident, including a video clip played at Al-Jazeera television.

1.8 Limitations and challenges to the investigation

(1) The main limitation to this report relates to the time frame of 21 working days given to the Committee to complete its investigation. This was a complex investigation that required the Committee to identify, interrogate and interview many witnesses, victims and suspects.

(2) There was an element of reluctance to state the truth by witnesses, and it was difficult to trace most witnesses, victims and suspects. Foreign victims were particularly reluctant to speak to the Committee because of apparent mistrust of the system and for fear of exposing their identity.

(3) Although the Investigation Committee has managed to apprehend some of the suspects who stole vehicles from Terrain and secured their detention, the Committee faced challenges of identifying the suspects who raped the aid workers and the killer of John Gatluak.

(4) The challenge is that Terrain incident has attracted wider attention from the international community and foreign countries, including the United States: Terrain has become political leverage to pressure the Government of South Sudan to

consent to the Regional Protection Force. Consequently, this Committee has been put under pressure to respond to the high expectations of those with an interest in the investigation.

(5) The Committee conducted its tasks within the limited capacity and resources in its possession.

1.9 Structure of the report

(1) This report contains five parts. Part one provides the introduction, part two discusses the facts determined by the Committee, part three contains the findings of the Committee, part four provides the recommendations and part five contains record of statements of witnesses, victims and suspects of the Terrain incident.

(2) The main body of this report contains over 100 pages, excluding other separate documents enclosed as annexes to this report. The separate annexes include handwritten transcripts of interviews, tape recordings of interviews, incident reports provided by Terrain management and other relevant documentation.

Part two
Discussion of the facts determined by the Committee

2.1. Facts determined by the Committee

(1) The Committee obtained oral, written and documentary evidence from witnesses and victims of the Terrain incident. The Committee interviewed over 60 witnesses in relation to the incident and also examined video footage forwarded to Al-Jazeera by one of the victims.

(2) The Committee has gathered sufficient facts regarding what happened at Terrain on that fateful afternoon of 11 July 2016. The Committee conducted oral and telephone interviews with witnesses, victims, the management and employees of Terrain and those suspected of stealing vehicles from Terrain.

(3) The Committee obtained factual evidence from Terrain management and witnesses of the events that occurred at Terrain compound on 11 July 2016. The Committee has determined that the alleged crimes that were committed at Terrain include the murder of a South Sudanese journalist working with Internews, named John Gatluak, the rape of at least five women working with international organizations and an unknown number of Terrain staff,[2] the shooting in the leg of one man[3] working for an international organization, and the torture and beating of almost every person inside the new apartment building.

(4) The Committee received a written incident report from Terrain management narrating the chronology of events that took place during the incident, including an account of allegations of the rape of aid workers and other victims at Terrain Hotel on 11 July 2016.

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[2] Apart from western aid workers, the witnesses have confirmed that Kenyan and South Sudanese women were also the subject of rape.

[3] The foreigner who was shot on the leg is mentioned in this report as Jesse Bunch.

(5) The records of witness statements are contained as annex 1, in part five of this report. These are statements obtained through interviews from witnesses, victims and suspects of Terrain incident. They also include written statements forwarded to the Committee by those who could not appear before the investigation for reasons beyond their control. Given the need to protect witnesses and in order not to prejudice any future criminal investigations or court proceedings, the Committee has decided that part five shall be classified. However, a general discussion of the witness statements has been provided in part two of this report.

2.2 Incident report from the management of Terrain

(1) According to a report from Terrain Hotel management, the incident at Yei Road Camp (Terrain Camp) started at approximately 3.30 p.m. on 11 July 2016. The report states that soldiers apparently allied with the Government of South Sudan overran a private compound on the Yei road; officially called Yei Road Camp (YRC) but widely known as Terrain. The report states that between 50 and 100 soldiers who had been stationed close to the YRC main gate on Yei road forced their way into the compound using guns and tyre levers. As regards the number of people present in the camp at the time of the incident, the report stated that the number was around 30 employees of international organizations, including the international non-governmental organization Internews, the Food and Agriculture Organization of the United Nations, Dyncorp, United Nations police and United States embassy subcontractor Management Systems International. In addition, approximately 45 members of YRC staff of mixed nationalities were in the compound. The report asserts that all of these staffs were victims of the attack. The report further states that, upon breaking into the compound, the soldiers committed savage acts of violence, including the execution of one employee of the international non-governmental organization Internews as well as rape, gang rape, beatings, torture and looting and vandalism on a grand scale.

(2) In this incident report, the Manager of Terrain Hotel, Mr. Michael Woodward, narrates the chronology of events that took place during the incident on 11 July 2016 as follows:

Time	*Events*
3.30 p.m.	(a) The soldiers who had been stationed close to the YRC main gate on Yei road forced their way into the compound using guns and tyre levers. Estimates are that somewhere between 50 and 100 soldiers forced their way in, accompanied by one vehicle.[a] This vehicle is described as a Land Cruiser pickup with a machine gun mounted on the back of the vehicle and painted in camouflage colours. It had no number plate and was driven by a man named Deng.[b] (b) One group proceeded straight to the bar and restaurant area, while another continued through the next sets of gates into the residential area. Some of the soldiers went first to the staff area, where they beat people and stole their possessions, while others proceeded to the guests' residential areas.

Time	*Events*
4 p.m.	Soldiers force their way into the first buildings and begin shooting at people and looting and vandalizing extensively. A minimum of 18 vehicles belonging to other organizations, residents and staff at YRC.
4.15 p.m.	Soldiers begin breaking into the New Block, the location of the worst violence.
5 p.m.	Some YRC staff plus one United States citizen are escorted off the compound by a soldier apparently called Akot,' who appeared to be in command.
5.10 p.m.	One foreign member of staff informs the relevant consular officer in Nairobi that the compound is "under attack".
5.30 p.m.	Physical attacks on the people inside the new block apartments begins, violence includes: • The murder of one man working for Internews • The rape of at least five women working for international organizations • The rape of an unknown number of YRC staff • The shooting in the leg of one man working for an international organization • The torture and beating of almost every person inside the new apartment building. Serious acts of violence include mock executions, rape and gang rape, torture and beatings that caused grievous bodily harm.
6.15 p.m.	(a) John Gatluak, an employee of an international non-governmental organization, Internews, is executed in front of his colleagues outside the new block apartment building. According to witnesses, Gatluak remained calm while soldiers harassed him and repeated the word "Nuer". (b) Gatluak was then separated from his colleagues before being shot twice in the head and a further four times after he dropped to the ground, all by the same soldier. (c) One witness recalls that this soldier wore a light coloured beret (neither green nor red) and was relatively tall compared to the other soldiers present and was in his thirties or forties.
6.30 p.m.	(a) First rescue party arrives, apparently led by a man named either Jackson or Wilson from National Security. Seven people from YRC are extracted in this wave and taken straight to Afex camp. (b) The vehicle they travelled in was an unmarked white Land Cruiser with brown stripes and crocheted seat covers.
7.12 p.m.	First wave of rescued people reached Afex.

Time	*Events*
8.04 p.m.	Second wave of rescued people reached Afex, their rescuers were called either Jackson, Wilson or Dominic and identified as National Security.
Morning of Tuesday 12 July 2016	Final waves of rescued people reached Afex.

[a] There are inconsistencies regarding the number of vehicles used by the perpetrators. Some witnesses say there were two vehicles.
[b] There is need to identify this Deng as he may be of help to the investigation. The identification would be easy once his unit is uncovered.
[c] Akot could be identified once the unit of the perpetrators is known. He is of interest to uncovering what happened at Terrain.

2.3 Analysis of witness statements

This section provides the Committee's analysis of the statements provided by witnesses, victims and suspects in relation to the alleged offences committed at Terrain Hotel compound on 11 July 2016.

(1) Allegations of murder

(a) Witnesses told the Committee how a South Sudanese journalist by the name John Gatluak was killed. One of the Terrain victims narrated how Gatluak was separated from other residents and led downstairs where he was subsequently shot dead. One of the witnesses stated that the victim was shot twice on the head and thereafter four bullets were released into his body after he was dead. This alone reveals the degree of hatred and cruelty demonstrated by the killer.

(b) Another witness states that Gatluak was killed simply for being Nuer. The witness said Gatluak was picked after the soldier saw marks on his face and shouted "Nuer". The Committee found this claim disturbing and believes that the killer was using ethnicity to justify his criminal act. There would be no other better explanation than what witnesses heard from the killer himself. While political leaders are determined to cement social cohesion among the different communities, there will always be individuals in society such as Gatluak's killer who would not be comfortable with communities peacefully coexisting. The Committee could not comprehend how an unarmed civilian like Gatluak should die at the hands of a person whose duty was to protect him. No one but the killer himself would be in position to provide reasons for such a callous and barbaric act.

(c) Testimonies provided by witnesses are all consistent in narrating the circumstances in which Gatluak was dragged from the apartment, walked down the stairs and then shot dead by his killer. The Committee takes pain that the life and career of this promising young man was cut short at the hands of his own countryman. The Committee regrets that Gatluak's killer has not been found but believes that further investigations would lead to the identification and arrest of his killers.

(d) It is the collective responsibility of all the people of South Sudan to help the leadership of this country to promote social cohesion and peaceful coexistence among the different ethnic groups. All of us need to change the way we relate to one another. Many innocent lives have been lost and continue to be lost by all communities of South Sudan for no better reason than ethnic hatred. The only consolation to the soul and family of this young man is to apprehend and punish his killers.

(2) Allegations of rape and sexual assault

(a) The statements narrated by the victims of rape[4] provide disturbing accounts of how women were subjected to rape by the offenders of Terrain. One of the victims stated she was taken out of the apartment and separated from other residents. The victim described how she was subjected to sexual assault, harassment and intimidation, and then gang raped. The victim revealed that one soldier dragged her to the main room of the apartment and raped her on the floor, while another soldier raped the other expatriate woman in the bathroom.

(b) Another victim stated in a phone interview how she was beaten by soldiers and raped by at least 15 men in room No. 63 and then in another room, of which she cannot remember the number. She stated that she was rescued the following morning by Veterans Security Service security guards and taken to National Security Service headquarters and subsequently to Afex Hotel.

(c) All statements provided by the three victims of rape are consistent in providing a disturbing account in relation to the rapes that took place at Terrain. The full statements provided by the victims are attached as an annex to this report.[5] The Committee finds it disturbing to read the statements provided by the victims of rape. Anyone reading this report would share the Committee's feeling of dismay, because this horrible tragedy could have happened to any of our own daughters, sisters, wives, mothers, friends or relatives. There is no doubt that these women were subjected to all sorts of sexual violence, which resulted in forced sexual acts, as well as physical and psychological harm or suffering, including threats of such acts, coercion, and arbitrary deprivation of their liberty with intent of inflicting on them maximum harm. No amount of sympathy or words can console these victims — the only consolation for them is for the perpetrators of these heinous crimes to be traced and brought before the law.

(d) No one should downplay the emotional, psychological and physical pain caused to these victims of rape. The Committee understands the feelings of the parents, spouses or relatives of the victims. These are noble women who came to this country to assist our vulnerable men and women with the services they need. As rightly articulated by one of the Ministers of the Transitional Government of National Unity of South Sudan, rape is an unacceptable practice in the cultures of the people of South Sudan. The Minister further stated that those who carried out these rapes would not accept their sisters, wives or mothers to be raped by others.

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[4] Rape is a serious crime under the laws of South Sudan. Section 247 of the Penal Code provides for a term of up to 14 years of imprisonment for anyone convicted of rape.

[5] Given the serious criminal nature of this offence, the Committee has decided to classify the statements of the victims, witnesses and suspects in order to protect the identity of those providing the information and not to prejudice any criminal proceedings against the suspects or accused.

(e) Although the number of women who have come forward to disclose that they were subjected to rape is about five, it is clear from the witness statements, in particular the incident report provided by Terrain management, that the number was probably higher. South Sudanese, Kenyans, Ugandans and other foreigners were also the subject of rape and sexual assault. The Committee believes that the women who have decided not to come forward to complain of being raped might be afraid of repercussions by the offenders or are avoiding the stigma attached to rape victims. It is however the Committee's view that these women, particularly those who are South Sudanese, should come forward and assist authorities in their effort to identify and apprehend the offenders. We cannot end these kinds of shameful offences unless we all make sure that perpetrators pay dearly for their callous acts.

(f) The Committee has no reason to discount the statements provided by the victims of rape. Given the emotional and psychological effects associated with rape, no reasonable person would come forward publicly to state that she was raped if nothing had happened to her.

(g) The Committee's visit to Terrain removed any doubt that the victims were indeed raped by the offenders. The rooms described in the victims' statements as places where they were raped were littered with women's pants (underwear) and other exhibits that indicate that the rape was violent.

(h) Although there is overwhelming evidence to conclude that rape did take place at Terrain, no victim has been able to know the full names of the rapists. Victims have recalled some of the offenders' names as Wilson and Koang and that they are soldiers. According to the statement of one raped victim, she asked the soldier who raped her his name and that he told her his name was Koang. It is not clear whether the offenders were providing their real or fictitious names. From the various statements obtained from suspects, it is apparent that the names provided to the victims by the perpetrators were probably not real. However, efforts must be exerted by the concerned institutions to identify and apprehend these persons.

(i) Rape is one of the crimes that in most cases are carried out in a private area such as a room, and this makes it difficult for any person other than the victim to identify the offender. Given the challenges associated with the identification of the perpetrators of rape in this particular case, the Committee advises the relevant institutions to employ different methods of identifying the suspects, including parade, photos, video, DNA and forensics. The victims must he assured that the authorities have taken all necessary steps to bring the offenders to book.

(j) The Committee believes that the arrest and detention of some of the suspects implicated in the rapes that took place at Terrain would lead to identification and arrest of other suspects. The punishment of those implicated in these terrible acts would serve as a deterrent to other persons intending to engage in similar conduct.

(3) Allegations of torture, bodily injury, intimidation and harassment

(a) Statements provided by witnesses have given account of how one of the Terrain residents sustained a bullet injury to his leg. The injury, according to witness statements, was apparently caused by a stray bullet from a random shooting by the perpetrators towards the building. However, such gross recklessness still amounts to

a criminal offence. The person shooting the building was aware that there were people sheltering in that building and should have foreseen the consequences of his actions, including the probability of causing grievous bodily harm or death to anyone sheltering in that building at the time.

(b) Witnesses have provided statements to the effect that some of the residents were subjected to torture, harassment, intimidation, insults and even mock executions. One of the witnesses described how he was forced to lie down and a bullet shot closer to his ear. Other witnesses have narrated how they were insulted, intimidated and harassed by the offenders. These are criminal acts that are punishable under the laws of South Sudan. It is clear that these criminal minded and undisciplined elements were abusing their position to harass and intimidate civilians.

(c) The person whose leg was injured would have bled to death had he not been evacuated in a timely manner to receive urgent medical attention. The perpetrators were so inhumane that they did not bother to feel the pain and suffering caused to an innocent man. Again, there is no room for entertaining such behaviour in our society, and those implicated must face the full force of the law.

(4) Allegations of property damage and looting

(a) The witness statements provide a detailed account of the extent of property damage and looting that took place at Terrain on 11 July 2016. Over 20 vehicles belonging to Terrain management, residents and international organizations were taken by the perpetrators. About 13 of the vehicles stolen from Terrain have been recovered, and those implicated are under custody awaiting trial. Not all of the vehicles were perhaps stolen on 11 July 2016. Some of the vehicles could have been taken in subsequent days. The witness statements also narrate how rooms were ransacked and vandalized. Personal belongings, including money, laptops, mobile phones and clothes were looted. Television sets, beds, building materials, food, cement, light sockets, tapes, showers, sinks and electric wires were removed and taken.

(b) Every single room was destroyed and smashed, and bullet holes could be seen in every room, wall and ceiling. According to the report prepared by the Terrain management, witnesses report that from their very first arrival into the compound, the objective of the armed men seemed to be to steal everything they could find.

(c) The management of Terrain stated that there were reports of the near constant sound of vehicles being driven in and out of the gates and of the same vehicles returning to be reloaded with more and more stolen goods. The extent of looting that took place at Terrain indicates that looting took place for some days after 11 July 2016. After the incursion by the armed men on 11 July 2016, Terrain became the scene of looting, including by people who were not part of the first incursion into the hotel.

(d) It is unfortunate that the property and goods looted from Terrain have not been recovered, save for the vehicles discovered through the efforts of this Committee. It is important for the CID and Military Intelligence to continue with efforts to locate and recover the missing property and goods stolen from Terrain.

(e) The management of Terrain estimates the cost of damaged and looted property from Terrain at around $4 million, inclusive of lost earnings. The

Committee however was not in position to reach a conclusion on this matter because members felt that this was outside their mandate and terms of reference. Terrain management may use a different mechanism to address this claim.

(5) Allegations on the identity of the perpetrators

(a) According to witness statements, the number of soldiers who broke into Terrain compound was between 50 and 100. Witnesses described the perpetrators as wearing different types of uniforms belonging to South Sudan security forces. A security guard who was at Terrain testified that on 11 July, at around 3.30 p.m., the SPLA forces entered the Terrain compound and shot the first, second and third gate.

(b) Witnesses have provided description of uniforms worn by the perpetrators during their incursion into Terrain on 11 July 2016. One witness stated that one of the soldiers who asked her to help him with something was wearing a darker camouflage uniform. She further stated that when they walked into the hallway of the apartment she could see that the apartment was full of soldiers in green camouflage uniform; a dozen soldiers were wearing uniforms that were plain green (i.e. no camouflage). She said that the soldiers were speaking in Arabic and English. A victim described the person who raped her as wearing a red uniform of red trousers and a red jacket. Some of the offenders were allegedly wearing police uniforms.

(c) One witness states that she received messages from Terrain about the presence of soldiers inside the compound. According to the witness, she immediately contacted General Marial Chanoung of Tiger Division, who told her not to worry, and that he would inform the officer in charge near Terrain to control the situation. The witness claims that most of the soldiers. The witness further claims that there was a land cruiser in camouflage at Terrain, loaded with looted items with a man called Deng. She said when she went with some SPLA soldiers to Terrain on 12 July 2016, they found a drunken man in uniform carrying a briefcase with him and that soldiers who went with her disarmed the soldier and took him to National Security. She said the soldier was arrested by Deng Deng from Tiger Division.

(d) A witness informed the investigation that he saw a lot of SPLA soldiers looting sheep and goats, breaking doors and windows and looting property at Terrain compound. Another witness told the investigation that on 11 July 2016 he found three soldiers, one from the National Security Services and two from Tiger Division arguing over a vehicle (Noah) near Terrain compound. The witness stated that he stopped and asked the soldiers where they had acquired the vehicle, and that they told him the vehicle was removed from Terrain compound.

(e) The witnesses could not precisely identify any of the offenders, except mentioning single names they overheard being called out by the soldiers. Some of the names that have been mentioned by the witnesses include one alleged soldier wearing a badge with the name Wilson. This officer has been described by witnesses to be wearing a uniform belonging to the National Security Service. Other names that have appeared in the witness statements are Akot, Deng and Koang. The Committee is of the opinion that these persons should be treated as suspects of the crimes that were committed at Terrain Hotel and all efforts must be exerted to trace and apprehend them.

(f) The Committee has no illusions regarding the difficulty of identifying the culprits of Terrain. It is necessary to ensure that these criminals are identified and punished. It is time for us all to stop generalizing soldiers as being undisciplined. There are many soldiers out there who conduct themselves with discipline and professionalism. They brought independence to this young nation, and many have paid their lives for the sake of freedom. Equally, there is a significant number of undisciplined soldiers who need to be dealt with by their respective units in order to ensure that others do not follow their bad example. As the saying goes, a dozen rotten onions can spoil the whole sack.

(g) The Committee believes that statements provided by witnesses in this report in relation to the uniforms worn by the offenders, coupled with the names recalled by victims and identity of those detained with vehicle theft, provides a way forward for criminal investigation and prosecution of suspects. What is, however, needed is the existence of the will and determination from those who command these soldiers to apprehend and turn over the culprits to face justice.

(h) Whether those who committed these heinous crimes at Terrain were soldiers or civilians or both, there is no justification to protect any of these criminals. The Committee strongly urges those who witnessed the Terrain incident to reveal the names of suspects to concerned authorities.

(6) Allegations on the motives of the perpetrators

(a) Witnesses have alleged that they were targeted by the armed men on the grounds of their nationality. One witness states that a soldier told them that Americans were stupid. Another witness claims that soldiers told them that they hate Americans because they support the rebels.

(b) The Committee took such allegations seriously and felt that it was necessary to reach a conclusion on this matter. There was no witness to provide testimony discounting this allegation. The only people to discount this allegation would be the perpetrators who are alleged to have uttered the statements. However, considering the questionable credibility of the perpetrators, and having taken into account the circumstances associated with this investigation, the Committee is of the view that the utterances made by these criminals were probably calculated to make their victims believe that they were being mistreated at the orders of the Government. However, it is simple to discount such perception on ground that South Sudanese, Ugandans, Kenyans and other foreign women were also subjects of rape and mistreatment. The same soldiers looted the HIV/AIDS Commission compound just adjacent to Terrain. During the conflict, undisciplined soldiers looted civilian homes, including the houses of senior officials in Government.

Part three
Findings of the Committee

3.1 Identity of the perpetrators

(1) The Committee found sufficient evidence, after examining testimonies provided by witnesses and victims, to conclude that the armed men in military

uniform who broke into Terrain Hotel compound on 11 July 2016 and committed various offences of murder, rape, bodily injury, property damage and looting, among others, were a group of undisciplined government soldiers. The fact that most of the accused persons found with vehicles looted from Terrain were from the different units of the army makes the Committee reach this conclusion.

(2) There is evidence to suggest that those who attacked Terrain Hotel were a collection of undisciplined and criminally minded individuals whose motive was to exploit the confusion caused by the fighting of 8 to 11 July 2016 to loot property and carry out criminal acts. These criminally minded elements were aware that the priority of the military and other security organs was to contain the situation by defeating Riek's forces. The fact that the location of Terrain is on the outskirts of Juba city and was a no-go area for anyone at that time other than soldiers gave the offenders an opportunity to perpetrate their unlawful acts with impunity.

(3) The Committee was able to conclude that the same group of soldiers who broke into Terrain were responsible for looting the HIV/AIDS Commission compound, which is just a few meters from Terrain, before they turn into Terrain. The Committee was able to link the group to the looting of the HIV/AIDS Commission because sofa chairs looted from the Commission were brought and abandoned at Terrain compound the same day of the attack.

(4) Many witnesses interviewed by the Committee were able to describe the uniforms worn by the armed men. The evidence provided to the Committee was so overwhelming that no reasonable investigator would have reached a different conclusion. However, the Committee has not ruled out the participation of civilians in the incident, particularly in the looting of property.

(5) The Committee received varying figures regarding the number of armed men who broke into Terrain Hotel on 11 July 2016. There was however consensus that the number of the perpetrators was between 30 and 100 armed men. Witnesses have provided divergent accounts on whether this group of armed men entered the compound together at once, or whether a small group initially broke into the compound and subsequently attracted other looters. The fact that witnesses have stated that the offenders who entered Terrain were using two military Land Cruisers makes it logical to conclude that the first wave of armed men was probably a small number. Evidence obtained from witnesses has led the Committee to conclude that the armed men were passing in a team of different waves. Nonetheless, the numbers are immaterial in this investigation. A crime is a crime whether committed by 1, 2 or even 1,000 people. What is of interest to this investigation is holding criminals to account for their criminal acts.

3.2 Offences committed by the perpetrators

3.2.1 Murder

(1) The Committee found overwhelming evidence to conclude that a South Sudanese journalist, John Gatluak, was killed at Terrain Hotel by a soldier believed to belong to the army. Although witnesses were not able to identify the killer's name or unit, they were able to provide a description of the killer, including the uniform worn by him. According to testimonies of those who witnessed the shooting,

Gatluak was simply killed because of his ethnicity. The Committee has no reason to discount the account provided by the witnesses, especially given the fact that Gatluak was the only South Sudanese killed at Terrain.

3.2.2 Rape

(1) The Committee found compelling evidence to conclude that the perpetrators of Terrain committed offences of rape against the women who were taking shelter at the compound at the time of the incident. Statements provided by the victims of rape painted a disturbing account of how the perpetrators treated their victims during their encounters with them.

(2) Although no victim was able to provide clear particulars or the full names of any of the suspects for the Committee to identify the perpetrators of rape, the Committee believes that some of the descriptions and names provided by the victims and witnesses would be helpful to the relevant authorities to pursue further criminal investigations with a view to identifying and prosecuting more suspects.

(3) Although some of the suspects have been identified and detained, it is the Committee's hope that all of the perpetrators would be found and punished to the full extent of the law, no matter how long it would take to track them. No one can imagine the distress, suffering and pain caused to the victims of this shameful and heinous act. The only consolation these victims could get is when the perpetrators of this crime have been convicted and punished.

3.2.3 Bodily injury, harassment and intimidation

(1) The Committee found evidence to conclude that violent acts, including bodily injury and assault, were committed against the residents of Terrain Hotel. Many other witnesses told the investigation how a man by name Jesse Bunch was shot in the leg while trying to prevent soldiers from gaining access to the room where he and a group of foreign aid workers were hiding. The Committee saw the room where Bunch was shot and found traces of blood all over the room.

(2) The Committee, on the strength of the statements and evidence obtained from victims and witnesses of the incident, was able to conclude that acts of harassment and intimidation were also committed. Perhaps one of the most terrifying acts of intimidation was the mock execution of one of the residents, who was forced to lie down by a soldier and two bullets shot near his ear.

3.2.4 Property damage and looting

(1) There is overwhelming evidence for the Committee to conclude that property damage and the looting of property, including vehicle theft, occurred at Terrain Hotel from 11-12 July and even beyond. The Committee was furnished with lists of looted property and stolen vehicles.

(2) The Committee commends the efforts of the military and other security organs to trace and apprehend some of the vehicles looted from Terrain. The Committee welcomes the fact that those found with the vehicles have been detained by the military and will face the law. The Committee is hopeful that these detainees, when presented before the courts, would assist with the identification of more of the Terrain offenders. The Committee is of the opinion that, in the absence of progress

in identifying all of the suspects of the crimes committed at Terrain, those detained for vehicle theft may face the prospect of being associated with other offences committed at Terrain on the grounds that they have been found with property stolen from the crime scene.

(3) The Committee received sufficient evidence in regards to the stealing of vehicles and the looting of property and goods. The Committee's visit to Terrain Hotel compound enabled it to obtain first-hand information about the extent of the damage and looting that had taken place at the hotel. Vehicles stolen or robbed from the hotel have been apprehended, and most of them returned to the management of Terrain Hotel. Persons caught in possession of the vehicles have been arrested and are awaiting trial by general court-martial.

(4) The visit to Terrain Hotel by the Committee revealed that not a single structure on the compound was left untouched; all 96 rooms were damaged, some of them beyond repair, others in need of significant investment to return them to working order. Alongside the looting, widespread vandalism has been observed. The Committee confirmed, during a visit to Terrain Hotel, that all rooms, offices and dining facilities that were furnished with beds, desks, wardrobes, ovens, fridges, televisions etc., were either stolen or looted. Terrain Hotel services have also lost construction materials ranging from electrical cables to spare vehicle parts.

3.3 Motives of the perpetrators

(1) The Committee has not found evidence to suggest that the Terrain incident was something planned and coordinated with the intention of targeting particular nationalities resident at the Terrain Compound. From the statements obtained from witnesses and victims, the aim of the attack was primarily to loot the hotel, but some of the offenders then went ahead to commit other offences of murder, rape, bodily injury and harassment.

(2) The fact that the victims of the Terrain incident subjected to murder, rape, grievous bodily injury and harassment were people from different nationalities, including Europeans, Latin Americans, Ugandans, Kenyans and South Sudanese, leads the Committee to conclude that the offenders' motive was to loot property at Terrain and to commit other offences irrespective of who the subject of their heinous act was.

3.4 Efforts to rescue the victims

(1) The Committee found that the residents of Terrain were let down by those who were responsible for their security and safety. The Committee commends the National Security Service and the SPLA Tiger Command for taking immediate measures to rescue the residents of Terrain on 11 July 2016. The Committee felt that had these residents called Government security organs early enough, they would have been rescued and the suffering inflicted would have been minimized. The Committee took note of concerns expressed regarding UNMISS by Terrain victims, but felt that it was not within its competence to express any opinion. The Committee believes that the primary responsibility to protect civilians lies with the Government of South Sudan.

(2) The Committee apportions blame on the management of Terrain and employers of persons that were resident at Terrain for failing to take appropriate steps in order to ensure the security and safety of their employees. It was abundantly clear from the outbreak of fighting, on 8 July, that Yei road, on which Terrain is located, was likely to be a potential scene of further fighting, given that Riek's forces were located in that direction. On 10 July 2016, fighting intensified in the vicinity of Terrain, and this would have alerted the management of Terrain and employers of Terrain residents to make arrangements for the evacuation of at least the aid workers to a safer location. Anyone who has worked with the United Nations or international agencies would be in a better position to understand the security and safety procedures applicable to staff, particularly when international staff are deployed in countries facing insecurity or civil strife. It was not therefore reasonable to keep these foreign employees residing in a remote location without any measures being taken to guarantee their security and safety. The Committee's main purpose here is to enable other hotel owners to learn lessons by contacting security organs to secure their locations in the event of any fighting or security threat.

3.5 Root causes of indiscipline within the army

(1) The Committee found evidence to suggest that there is a growing trend of indiscipline within the rank and file of the army, and this is attributed to various factors, including economic factors, recruitment procedures, training, commissioning, promotion, deployment and psychological factors.

(2) The Committee attributes the worrying trend of indiscipline within the rank and file of the military to the challenges of nation building. The Government's efforts to transform the SPLA from a guerrilla to a professional and disciplined army have repeatedly been interrupted by the wars fought since 2005. The bulk of the forces were recruited to fight the wars without getting time to attend comprehensive training appropriate for an army during peace time. The only means of reversing this worrying trend is for the international community and friends of South Sudan, including the United States Administration, to stop the current war and support the new nation in the transformation of the SPLA.

(3) The Committee appreciates the efforts taken by the SPLA General Headquarters to punish soldiers who have been implicated in committing offences against civilians and their property. The growing trend of indiscipline in the army is worrying, and there is need for urgent measures to be taken to reverse this trend. The Committee is aware that hundreds of soldiers are being detained for various offences, including indiscipline. However, the Committee is of the view that the detention and punishment of these undisciplined soldiers is not a sustainable approach without addressing the root causes of indiscipline.

(4) The current difficult economic condition of the country resulting from inflation and falling oil prices have made the living conditions intolerable for low-income members of society, including soldiers. The meagre salary paid to soldiers and its irregular payment has forced some of the soldiers to seek unlawful means of providing for themselves and their families.

(5) The psychological impact on soldiers who have spent most of their lives fighting bloody wars has not been taken care of. These categories of soldiers require

counselling services to be offered to them so as to address their psychological and mental feelings.

(6) It is not the Committee's intention to consider the root causes of indiscipline enumerated herein to be used as an excuse for condoning the serious offences committed against Terrain victims, but these are issues that need to be addressed in order to prevent such atrocities from recurring in the future.

Part four
Recommendations

4.1 Formation of a Special Court

(1) A Special Court should be constituted to undertake the trials of suspects implicated in the offences of murder, rape, bodily injury, property damage, looting of property and goods and other unlawful acts committed at Terrain Hotel during the July incident. Given that most of the suspects are members of the military, the Committee proposes that the Special Court to be constituted be a special military court-martial. Alternatively, a special hybrid court comprising a panel of military and civil judges could be another appropriate body to conduct trials, particularly if there are also civilian suspects.

(2) A special prosecutor assisted by a team of other prosecutors should be appointed to oversee criminal investigations and prosecutions against suspects of the Terrain incident. The prosecutor will use this report as reference for criminal investigations and, where there is sufficient evidence to warrant prosecution, bring charges against suspects.

(3) Suspects already identified or traced and who are implicated in offences committed at Terrain and for whom there is sufficient evidence to warrant prosecution should be presented for trial before the Special Court.

(4) In addition to those implicated in the acts of rape, it is the Committee's view that those found with vehicles stolen from Terrain may also be treated as suspects for the other crimes committed at Terrain Camp. Those accused of vehicle theft from Terrain may be treated as suspects for the other unlawful acts committed at Terrain Compound.

(5) The Military General Court-Marital (Military Court), or any other military unit responsible for the detention of Terrain suspects should suspend proceedings against them pending their trial by the Special Court to be constituted in accordance with para. (1) of these recommendations.

(6) The Government of South Sudan should ensure that the Special Court is adequately funded and has the capacity and competence necessary to accomplish its tasks. The Government may request assistance from foreign countries if deemed necessary to promote the interest of justice.

(7) Victims of the Terrain incident or their representatives should have access to the Special Court and all appropriate arrangements to facilitate their interaction with the Court, and prosecutors should be put in place to secure their effective participation in proceedings, either personally, or through representation of their

choice. It shall not be the practice of the Special Court to summarily execute those who are accused of crimes committed at Terrain without due process of the law.

(8) The army command, National Security Service and South Sudan Police Service should direct all their units to trace suspects of the Terrain incident, present them for trial by the Special Court and fully cooperate with the Court, including by facilitating any criminal investigation or interrogation of the Terrain suspects.

4.2 Adopting a zero-tolerance policy against undisciplined soldiers

(1) The Ministry of Defence and Veterans Affairs should adopt a zero-tolerance policy against indiscipline and misbehaving elements of the army and other organized forces. Those found guilty of misbehaving or about to misbehave must immediately be made to account for their act.

(2) The SPLA General Headquarters, national security and other organized forces should take immediate measures to tackle the growing trend of indiscipline within the rank and file of their forces, including by taking practical measures to instil discipline and professionalism among the forces through regular briefings and trainings.

(3) Government forces, rebel or militia forces or civilians who commit crimes against civilians must be subject to punishment to the fullest extent in accordance with military or civilian law, as applicable.

4.3 Improving security for foreigners resident or visiting the country

(1) The army, national security and other organized forces should be sensitized on how to deal with foreigners and civilians at all times. They should also be made aware that mistreatment of foreigners and civilians does not serve the national interest of the country. Anyone found mistreating a foreigner or civilian must be severely punished.

(2) International non-governmental organizations, including aid agencies working in the various parts of South Sudan, should review their security measures and procedures in order to improve the security and safety for their employees.

(3) The South Sudan police service, in collaboration with other security organs, should designate a special force to focus on the provision of security for aid agencies and respond to any security emergencies pertaining to foreigners and civilians.

(4) Foreigners residing in the various hotels or guest houses in Juba should be encouraged to register their location, names and contact with their respective embassies, in order to facilitate prompt response by security organs in the event of any security problem.

(5) The State Government of Jubek, in collaboration with relevant institutions at the national level, should ensure that hotels and other lodgings used by foreigners are adequately protected and located in secure areas of the city. The management of any such hotel or lodging located in remote area should make arrangements for protection with the police.

4.4 Addressing command and control issues

(1) Military officers should undergo training on the Geneva Conventions pertaining to armed conflicts, in particular on the soldiers' code of conduct during armed conflict and on matters of command and control. Soldiers should be fully briefed on how to treat civilians prior to being dispatched for operations.

(2) Force commanders should be made aware that they may be directly accountable for offences committed by soldiers under their direct command if it is proven that they failed to prevent their forces from misbehaving against civilians during military assignments or operations. All units must designate officers to monitor and report cases of indiscipline and misbehaviour among soldiers during military assignments or operations.

(3) Soldiers should be sensitized to the consequences of misbehaving during military operations or abusing their status to commit unlawful acts against the civilian population, including the mistreatment of civilians and the looting of property.

4.5 Transformation and professionalization of the army

(1) The Transitional Government of National Unity should prioritize the transformation and professionalization of the SPLA, including by adopting policies and practical strategies aimed at instilling discipline among its rank and file.

(2) The international community should assist the Government of South Sudan in its efforts to transform and professionalize its army. The international community should appreciate that the world's youngest nation is struggling with nation building and therefore requires support to build viable and strong institutions, including the military.

(*Signed*) Martinson Mathew **Oturomoi**
Chairperson

Lieutenant General James Biel **Ruot**
Deputy Chairperson

Major General Bor Wutchok **Bor**
Member

Major General Kulang Mayen **Kulang**
Member

Ambassador John Andruga **Duku**
Secretary

Colonel Matur Dharuai **Yor**
Member